

Union Calendar No. 220

103D CONGRESS
1ST SESSION

H. R. 1133

[Report No. 103-395]

A BILL

To combat violence and crimes against women.

NOVEMBER 20, 1993

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

Union Calendar No. 220

103^D CONGRESS
1ST SESSION

H. R. 1133

[Report No. 103-395]

To combat violence and crimes against women.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 24, 1993

Mrs. SCHROEDER (for herself, Ms. SLAUGHTER, Mr. SCHUMER, Mrs. MORELLA, Ms. SNOWE, Ms. PELOSI, Ms. NORTON, Mrs. COLLINS of Illinois, Miss COLLINS of Michigan, Mrs. MINK, Mrs. UNSOELD, Ms. KAPTUR, Mrs. LOWEY, Ms. WATERS, Mrs. BYRNE, Mrs. MALONEY, Ms. VELÁZQUEZ, Ms. MCKINNEY, Ms. ESHOO, Ms. SCHENK, Ms. BROWN of Florida, Mrs. MEYERS of Kansas, Mr. MOAKLEY, Mr. FRANK of Massachusetts, Mr. YATES, Mr. OBERSTAR, Mr. McDERMOTT, Mr. WILSON, Mr. LEHMAN, Mr. MAZZOLI, Mr. ANDREWS of Texas, Mr. KREIDLER, Mr. OLVER, Mr. MILLER of California, Mr. SHAYS, Mr. GUTIERREZ, Mr. RAMSTAD, Mr. NEAL of Massachusetts, Mr. MEEHAN, Mr. ACKERMAN, Mr. OWENS, Mr. FROST, Mr. KILDEE, Mr. BILBRAY, Mr. REED, Mr. BROWN of California, Mr. KOPETSKI, Mr. BILIRAKIS, Mr. EVANS, Mr. WHEAT, Mr. GEJDENSON, Mr. WISE, Ms. E.B. JOHNSON of Texas, Mr. DEUTSCH, Mr. LIPINSKI, Mr. FILNER, Mr. ANDREWS of New Jersey, Mr. SWETT, Mr. ALLARD, Mr. SWIFT, and Mr. WALSH) introduced the following bill; which was referred to the Committee on the Judiciary

AUGUST 23, 1993

Additional sponsors: Mr. LaFALCE, Mr. STUPAK, Mr. SANDERS, Mr. JEFFERSON, Mr. PETERSON of Minnesota, Mr. BRYANT, Mrs. JOHNSON of Connecticut, Mr. FALEOMAVAEGA, Mr. RAVENEL, Mr. MURPHY, Mr. COLEMAN, Mr. DURBIN, Mr. MANTON, Mr. VENTO, Mrs. KENNELLY, Mr. RANGEL, Mr. HAMILTON, Mr. UPTON, Mr. TOWNS, Mr. COYNE, Mr. FLAKE, Mr. BECERRA, Mr. BEILENSEN, Mrs. MEEK, Mr. HINCHEY, Mr. CARDIN, Mr. BLACKWELL, Mr. BARRETT of Wisconsin, Mr. DEFazio, Mr. KENNEDY, Mr. FAZIO, Mr. MFUME, Mr. REYNOLDS, Mr. LEWIS of Georgia, Mr. MORAN, Mr. ABERCROMBIE, Mr. SERRANO, Mr. McCLOSKEY, Mr. SARPALIUS, Mrs. LLOYD, Mr. ANDREWS of Maine, Mr. HYDE, Mr. MARKEY, Mr. GIBBONS, Mr. COSTELLO, Mr. FOGLIETTA, Mr.

SCOTT, Ms. DANNER, Mr. McHUGH, Mr. CONYERS, Ms. MOLINARI, Ms. DeLAURO, Mrs. CLAYTON, Mr. HASTINGS, Mr. WAXMAN, Mr. BONIOR, Mr. WASHINGTON, Ms. FURSE, Mr. JOHNSTON of Florida, Mr. BORSKI, Mr. CARR, Mr. COPPERSMITH, Mr. HOCHBRUECKNER, Mr. TUCKER, Mr. SABO, Mr. WYDEN, Mr. TORRICELLI, Mr. RUSH, Mr. FRANKS of Connecticut, Mr. LANTOS, Mr. LEVY, Mr. CLEMENT, Mr. LEVIN, Mr. NADLER, Mr. HAMBURG, Mr. BOUCHER, Mr. McHALE, Mr. SLATTERY, Mr. STARK, Mr. POMEROY, Mr. MENENDEZ, Ms. WOOLSEY, Mr. MACHTLEY, Mr. PALLONE, Mr. DIXON, Mr. WYNN, Mr. FORD of Michigan, Mr. MURTHA, Ms. ROYBAL-ALLARD, Mr. CLAY, Ms. MARGOLIES-MEZVINSKY, Mr. STUDDS, Ms. ENGLISH of Arizona, Mr. GILMAN, Mr. LEACH, Mr. APPELATE, Mr. RAHALL, Mr. ENGEL, Mr. DE LUGO, Mr. PETE GEREN of Texas, Mr. BARTON of Texas, Mr. CRAMER, Mr. JOHNSON of South Dakota, Mrs. THURMAN, Mr. ENGLISH of Oklahoma, Mr. HOYER, Mr. PASTOR, Mr. ORTON, Mr. FORD of Tennessee, Mr. POSHARD, Mr. GILCHREST, Mr. MOLLOHAN, Ms. SHEPHERD, Mr. VISCLOSKEY, Mr. MINETA, Mr. SANGMEISTER, Mr. MARTINEZ, Mr. STOKES, Mr. VALENTINE, Mr. PAYNE of New Jersey, Mr. MINGE, Mr. GUNDERSON, Mr. HOLDEN, Mr. GINGRICH, and Mr. GENE GREEN of Texas

NOVEMBER 20, 1993

Additional sponsors: Mr. TRAFICANT, Mrs. ROUKEMA, Mr. BISHOP, Mr. KLUG, Mr. McINNIS, Mr. MATSUI, Mr. PRICE of North Carolina, Mr. TEJEDA, Mr. DICKS, Mr. WELDON, Ms. PRYCE of Ohio, Mr. BLUTE, Mr. INSLEE, Mr. HILLIARD, Mr. PETERSON of Florida, Mr. MCCURDY, Mr. SCHIFF, Mr. BARCIA of Michigan, Mr. PORTER, Mr. CASTLE, Mr. ROMERO-BARCELÓ, Mr. HALL of Ohio, Mr. GOSS, Ms. LONG, Mr. KLINK, Mr. TORKILDSEN, Mr. DELLUMS, Ms. HARMAN, Mr. BARCA of Wisconsin, Mr. CHAPMAN, Mr. GLICKMAN, Mr. JACOBS, Mr. NEAL of North Carolina, Mr. FAWELL, Mr. BLILEY, Mr. HAYES, Mr. DOOLEY, Mr. FARR of California, and Mr. GILLMOR

NOVEMBER 20, 1993

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on February 24, 1993]

A BILL

To combat violence and crimes against women.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Violence Against Women*
 3 *Act of 1993”.*

4 **TITLE I—SAFE STREETS FOR**
 5 **WOMEN**

6 **SEC. 101. SHORT TITLE.**

7 *This title may be cited as the “Safe Streets for Women*
 8 *Act of 1993”.*

9 **Subtitle A—Law Enforcement and**
 10 **Prosecution Grants To Reduce**
 11 **Violent Crimes Against Women**

12 **SEC. 111. GRANTS TO COMBAT VIOLENT CRIMES AGAINST**
 13 **WOMEN.**

14 (a) *IN GENERAL.*—Title I of the Omnibus Crime Con-
 15 *trol and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.)*
 16 *is amended by—*

17 (1) *redesignating part Q as part R;*

18 (2) *redesignating section 1701 as section 1801;*

19 *and*

20 (3) *adding after part P the following new part:*

21 **“PART Q—GRANTS TO COMBAT VIOLENT CRIMES**
 22 **AGAINST WOMEN**

23 **“SEC. 1701. PURPOSE OF THE PROGRAM AND GRANTS.**

24 “(a) *GENERAL PROGRAM PURPOSE.*—The purpose of
 25 *this part is to assist States, Indian tribes, and other eligible*

1 *entities to develop effective law enforcement and prosecution*
2 *strategies to combat violent crimes against women.*

3 “(b) *PURPOSES FOR WHICH GRANTS MAY BE*
4 *USED.—Grants under this part shall provide funds for per-*
5 *sonnel, training, technical assistance, data collection and*
6 *other equipment for the more widespread apprehension,*
7 *prosecution, and adjudication of persons committing vio-*
8 *lent crimes against women to reduce the rate of violent*
9 *crime against women and specifically, for the purposes of—*

10 “(1) *training law enforcement officers and pros-*
11 *ecutors to identify and respond more effectively to*
12 *violent crimes against women, including crimes of*
13 *sexual assault and domestic violence;*

14 “(2) *developing, training, or expanding units of*
15 *law enforcement officers and prosecutors that specifi-*
16 *cally target violent crimes against women, including*
17 *the crimes of sexual assault and domestic violence;*

18 “(3) *developing and implementing more effective*
19 *police and prosecution policies, protocols, orders, or*
20 *services specifically devoted to the prevention of, iden-*
21 *tification of, and response to violent crimes against*
22 *women, including the crimes of sexual assault and do-*
23 *mestic violence;*

24 “(4) *developing, installing, or expanding data*
25 *collection systems, including computerized systems,*

1 *linking police, prosecutors, and courts or identifying*
2 *and tracking arrests, protection orders, prosecutions,*
3 *and convictions for the crimes of sexual assault and*
4 *domestic violence;*

5 *“(5) developing, enlarging, or strengthening vic-*
6 *tim services programs, including sexual assault and*
7 *domestic violence programs, developing or improving*
8 *delivery of victim services to racial, cultural, ethnic,*
9 *and language minorities, and increasing reporting*
10 *and reducing attrition rates for cases involving vio-*
11 *lent crimes against women, including crimes of sexual*
12 *assault and domestic violence; and*

13 *“(6) aiding Indian tribe grantees, exclusively, in*
14 *financing the payments required under sections 112*
15 *and 113 of the Violence Against Women Act of 1993.*

16 **“SEC. 1702. STATE GRANTS.**

17 *“(a) GENERAL GRANTS.—The Director of the Bureau*
18 *of Justice Assistance (hereinafter in this part referred to*
19 *as the ‘Director’) is authorized to make grants to States,*
20 *Indian tribes, units of local government, tribal organiza-*
21 *tions, and nonprofit nongovernmental victim services pro-*
22 *grams in the States or Indian country.*

23 *“(b) APPLICATION REQUIREMENTS.—Applications*
24 *shall include—*

1 “(1) documentation from prosecution, law en-
2 forcement, and victim services programs to be assisted
3 that demonstrates—

4 “(A) the need for grant funds;

5 “(B) the intended use of grant funds; and

6 “(C) the expected results;

7 “(2) proof of compliance with the requirements
8 for the payment of forensic medical exams provided
9 pursuant to section 112 of the Violence Against
10 Women Act of 1993, except that Indian tribes are ex-
11 empt from such requirement; and

12 “(3) proof of compliance with the requirements
13 for paying filing and service fees for domestic violence
14 cases pursuant to section 113 of the Violence Against
15 Women Act of 1993.

16 “(c) *QUALIFICATION*.—Upon satisfying the terms of
17 subsection (b), an eligible entity shall be eligible for funds
18 provided under this part by—

19 “(1) certifying that funds received under this
20 part shall be used for the purposes outlined in section
21 1701(b);

22 “(2) certifying that grantees shall develop a
23 plan, implement such plan, and otherwise consult and
24 coordinate with nonprofit nongovernmental domestic
25 violence and sexual assault victim services programs,

1 *law enforcement officials, victim advocates, prosecu-*
2 *tors, and defense attorneys;*

3 *“(3) providing documentation from the individ-*
4 *uals and groups listed under paragraph (2) regarding*
5 *their participation in development of a plan and in-*
6 *volvement in the application process, as well as how*
7 *such individuals and groups will be involved in im-*
8 *plementation of the plan;*

9 *“(4) providing assurances that the plan devel-*
10 *oped under paragraph (2) shall meet the needs of ra-*
11 *cial, cultural, ethnic, and language minority popu-*
12 *lations;*

13 *“(5) providing assurances that prosecution, law*
14 *enforcement, and nonprofit nongovernmental victim*
15 *services programs in the community to be served by*
16 *such plan each receive an equitable percentage of any*
17 *funds allocated under this part; and*

18 *“(6) providing assurances that any Federal*
19 *funds received under this part shall be used to supple-*
20 *ment, not supplant, non-Federal funds that would*
21 *otherwise be available for activities funded under this*
22 *part.*

23 *“(d) DISBURSEMENT OF FUNDS.—*

24 *“(1) IN GENERAL.—Not later than 60 days after*
25 *the receipt of an application under this part, the Di-*

1 *rector shall either disburse the appropriate sums pro-*
2 *vided for under this part or shall inform the appli-*
3 *cant regarding why the application does not conform*
4 *to the requirements of this section.*

5 *“(2) RESPONSIBILITY OF DIRECTOR.—In dis-*
6 *bursing funds under this part, the Director shall issue*
7 *regulations—*

8 *“(A) to distribute funds equitably on a geo-*
9 *graphic basis, including nonurban and rural*
10 *areas of varying geographic size; and*

11 *“(B) give priority to areas of varying geo-*
12 *graphic size with the greatest showing of need*
13 *based on the availability of existing domestic vi-*
14 *olence and sexual assault programs in the popu-*
15 *lation and geographic area to be served in rela-*
16 *tion to the availability of such programs in other*
17 *such populations and geographic areas.*

18 *“(e) GRANTEE REPORTING.—(1) Not later than March*
19 *31 of each year during which funds are received under this*
20 *part, the grantee shall file a performance report with the*
21 *Director explaining the activities carried out together with*
22 *an assessment of the effectiveness of such activities in*
23 *achieving the purposes of this part.*

1 “(2) The grantee shall arrange for assessments of the
2 grantee’s program from all organizations and government
3 entities that were involved in the design of the grant plan.

4 “(3) Such assessments must be sent directly to the Di-
5 rector by the assessing entity.

6 “(f) *SUSPENSION OF FUNDING.*—The Director shall
7 suspend funding for an approved application if—

8 “(1) an applicant fails to submit an annual per-
9 formance report;

10 “(2) funds provided under this part are ex-
11 pended for purposes other than those set forth under
12 this part; or

13 “(3) grant reports or accompanying assessments
14 demonstrate to the Director that the program is inef-
15 fective or financially unsound.

16 **“SEC. 1703. GENERAL DEFINITIONS.**

17 “For purposes of this part—

18 “(1) the term ‘domestic violence’ means crimes of
19 violence committed against a victim by a current or
20 former spouse of the victim, an individual with whom
21 the victim shares a child in common, an individual
22 who is cohabiting with or has cohabited with the vic-
23 tim as a spouse, an individual similarly situated to
24 a spouse, or any other individual who is protected

1 *under domestic or family violence laws of the jurisdic-*
2 *tion that receives a grant under this part;*

3 *“(2) the term ‘eligible entity’ means a State,*
4 *unit of local government, Indian tribe, and a non-*
5 *profit, nongovernmental victims services program;*

6 *“(3) the term ‘Indian tribe’ means any Indian*
7 *tribe, band, nation, or other organized group or com-*
8 *munity, including any Alaska Native village or re-*
9 *gional or village corporation (as defined in, or estab-*
10 *lished pursuant to, the Alaska Native Claims Settle-*
11 *ment Act (43 U.S.C. 1601, et seq.)), which is recog-*
12 *nized as eligible for the special services provided by*
13 *the United States to Indians because of their status*
14 *as Indians;*

15 *“(4) the term ‘Indian country’ has the meaning*
16 *given to such term by section 1151 of title 18, United*
17 *States Code;*

18 *“(5) the term ‘sexual assault’ means any conduct*
19 *proscribed by chapter 109A of title 18, United States*
20 *Code, whether or not the conduct occurs in the special*
21 *maritime and territorial jurisdiction of the United*
22 *States or in a Federal prison and includes both as-*
23 *saults committed by offenders who are strangers to the*
24 *victim and assaults committed by offenders who are*

1 *known or related by blood or marriage to the victim;*
2 *and*

3 “(6) the term ‘victim services program’ means a
4 *nongovernmental nonprofit program that assists do-*
5 *mestic violence or sexual assault victims, including*
6 *nongovernmental nonprofit organizations such as*
7 *rape crisis centers, battered women’s shelters, and*
8 *other sexual assault and domestic violence programs,*
9 *including nonprofit nongovernmental organizations*
10 *assisting domestic violence and sexual assault victims*
11 *through the legal process.*

12 **“SEC. 1704. GENERAL TERMS AND CONDITIONS.**

13 “(a) *NONMONETARY ASSISTANCE.*—*In addition to the*
14 *assistance provided under sections 1702, the Attorney Gen-*
15 *eral may request any Federal agency, with or without reim-*
16 *bursement, to use its authorities and the resources granted*
17 *to it under Federal law (including personnel, equipment,*
18 *supplies, facilities, and managerial, technical, and advisory*
19 *services) to support State, tribal, and local assistance efforts*
20 *under this part.*

21 “(b) *BUREAU REPORTING.*—*Not later than 180 days*
22 *after the end of each fiscal year for which grants are made*
23 *under this part, the Director shall submit to the Congress*
24 *a report that includes, for each State and Indian tribe—*

25 “(1) *the amount of grants made under this part;*

1 “(2) a summary of the purposes for which grants
2 were provided and an evaluation of progress; and

3 “(3) an evaluation of the effectiveness of pro-
4 grams established with funds under this part.”.

5 (b) *AUTHORIZATION OF APPROPRIATIONS.*—Section
6 1001(a) of title I of the Omnibus Crime Control and Safe
7 Streets Act of 1968 (42 U.S.C. 3793), is amended by adding
8 after paragraph (10) the following:

9 “(11) There are authorized to be appropriated for each
10 of the fiscal years 1994 and 1995, \$200,000,000 to carry
11 out the purposes of part Q, with not less than 8 percent
12 of such appropriation allotted specifically for Indian
13 tribes.”.

14 (c) *ADMINISTRATIVE PROVISIONS.*—(1) Section 801(b)
15 of title I of the Omnibus Crime Control and Safe Streets
16 Act of 1968 is amended by striking “and O” and inserting
17 “O, and Q”; and

18 (2) Section 802(b) of title I of the Omnibus Crime Con-
19 trol and Safe Streets Act of 1968 is amended by striking
20 “or O” and inserting “O, or Q”.

21 (d) *CONFORMING AMENDMENT.*—The table of contents
22 of title I of the Omnibus Crime Control and Safe Streets
23 Act of 1968 (42 U.S.C. 3711 et seq.) is amended by striking
24 the matter relating to part Q and inserting the following:

 “PART Q—GRANT TO COMBAT VIOLENT CRIMES AGAINST WOMEN

 “Sec. 1701. Purpose of the program and grants.

“Sec. 1702. State grants.

“Sec. 1703. General definitions.

“Sec. 1704. General terms and conditions.

“PART R—TRANSITION; EFFECTIVE DATE; REPEALER

“Sec. 1801. Continuation of rules, authorities, and proceedings”.

1 *SEC. 112. RAPE EXAM PAYMENTS.*

2 *(a) RESTRICTION OF FUNDS.—No State is entitled to*
 3 *funds under this title unless the State incurs the full out*
 4 *of pocket cost of forensic medical exams described in sub-*
 5 *section (b) for victims of sexual assault.*

6 *(b) MEDICAL COSTS.—A State shall be deemed to*
 7 *incur the full out of pocket cost of forensic medical exams*
 8 *for victims of sexual assault if such State—*

9 *(1) provides such exams to victims free of charge*
 10 *to the victim;*

11 *(2) arranges for victims to obtain such exams*
 12 *free of charge to the victims; or*

13 *(3) reimburses victims for the cost of such exams,*
 14 *if—*

15 *(A) the reimbursement covers the full cost of*
 16 *such exams, without any deductible requirement*
 17 *or limit on the amount of a reimbursement;*

18 *(B) the State permits victims to apply to*
 19 *the State for reimbursement for not less than one*
 20 *year from the date of the exam;*

1 (C) the State provides reimbursement not
2 later than 90 days after written notification of
3 the victim's expense; and

4 (D) the State provides information at the
5 time of the exam to all victims, including vic-
6 tims with limited or no English proficiency, re-
7 garding how to obtain reimbursement.

8 **SEC. 113. FILING COSTS FOR CRIMINAL CHARGES.**

9 No State is entitled to funds under this title unless
10 the State certifies that their laws, policies, and practices
11 do not require, in connection with the prosecution of any
12 misdemeanor or felony domestic violence offense, that the
13 abused bear the costs associated with the filing of criminal
14 charges against the domestic violence offender, or that the
15 abused bear the costs associated with the issuance or service
16 of a warrant, protection order, or witness subpoena.

17 **SEC. 114. EQUITABLE TREATMENT OF RAPE CASES.**

18 No State is entitled to funds under this title unless
19 the State can certify that its laws and policies treat sex
20 offenses committed by offenders who are known to, cohabi-
21 tants of, social companions of, or related by blood or mar-
22 riage to, the victim no less severely than sex offenses com-
23 mitted by offenders who are strangers to the victim.

1 ***Subtitle B—Rape Prevention***
 2 ***Programs***

3 ***CHAPTER 1—RAPE PREVENTION GRANTS***

4 ***SEC. 121. EDUCATION AND PREVENTION GRANTS TO RE-***
 5 ***DUCE SEXUAL ASSAULTS AGAINST WOMEN.***

6 (a) *IN GENERAL.*—Title I of the Omnibus Crime Con-
 7 trol and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.),
 8 as amended by section 111, is further amended by—

9 (1) redesignating part R as part S;

10 (2) redesignating section 1801 as section 1901;

11 and

12 (3) adding after part Q the following new part:

13 ***“PART R—RAPE PREVENTION PROGRAMS***

14 ***“SEC. 1801. GRANT AUTHORIZATION.***

15 *“The Director of the Bureau of Justice Assistance (re-*
 16 *ferred to in this part as the ‘Director’) is authorized to make*
 17 *grants—*

18 *“(1) to provide educational seminars, particu-*
 19 *larly developed with emphasis on seminars for ele-*
 20 *mentary and secondary school age children, designed*
 21 *to develop an awareness of what acts meet the legal*
 22 *definition of rape;*

23 *“(2) to provide programs for elementary and sec-*
 24 *ondary school age children that teach nonviolent con-*
 25 *flict resolution, self defense, or other relevant skills;*

1 “(3) to operate telephone hotlines for callers with
2 questions regarding sexual assault and rape;

3 “(4) to design and disseminate training pro-
4 grams for professionals, including the development
5 and dissemination of protocols for the routine identi-
6 fication, treatment, and appropriate referral of vic-
7 tims of sexual assault by hospital emergency person-
8 nel and other professionals;

9 “(5) to develop treatment programs for convicted
10 sex offenders and make such programs available to the
11 local community and to Federal and State prisons;

12 “(6) to prepare and disseminate informational
13 materials designed to educate the community regard-
14 ing sexual assault and prevention; and

15 “(7) to develop other projects to increase aware-
16 ness and prevention of sexual assault, including ef-
17 forts to increase awareness of sexual assault preven-
18 tion among racial, ethnic, cultural and language mi-
19 norities.

20 **“SEC. 1802. APPLICATIONS.**

21 “(a) *IN GENERAL.*—To be eligible to receive a grant
22 under this part, a duly authorized representative of an eli-
23 gible entity shall submit an application to the Director in
24 such form and containing such information as the Director
25 may reasonably require.

1 “(b) *ASSURANCES.*—Each application must contain
2 an assurance that Federal funds received under this part
3 shall be used to supplement, not supplant, non-Federal
4 funds that would otherwise be available for activities funded
5 under this part.

6 “(c) *REQUIRED PLAN.*—Each application shall in-
7 clude a plan that contains—

8 “(1) a description of the projects to be developed;

9 “(2) a description of how funds would be spent;

10 “(3) a statement of staff qualifications and dem-
11 onstrated expertise in the field of rape prevention and
12 education; and

13 “(4) a statement regarding the ability to serve
14 community needs and language minority populations
15 in providing ethnically and culturally and linguis-
16 tically appropriate programs where necessary.

17 **“SEC. 1803. REPORTS.**

18 “(a) *GRANTEE REPORTING.*—Upon completion of the
19 grant period under this subpart, each grantee shall file a
20 performance report with the Director explaining the activi-
21 ties carried out together with an assessment of the effective-
22 ness of such activities in achieving the purposes of this sub-
23 part. The Director shall suspend funding for an approved
24 application if an applicant fails to submit an annual per-
25 formance report.

1 “(b) *BUREAU REPORTING.*—Not later than 180 days
2 after the end of each fiscal year for which grants are made
3 under this subpart, the Director shall submit to the Con-
4 gress a report that includes, for each grantee—

5 “(1) the amount of grants made under this sub-
6 part;

7 “(2) a summary of the purposes for which grants
8 were provided and an evaluation of progress; and

9 “(3) an evaluation of the effectiveness of pro-
10 grams established with funds under this part.

11 **“SEC. 1804. DEFINITIONS.**

12 *“For purposes of this part—*

13 *“(1) the term ‘eligible entity’ means a nonprofit,*
14 *nongovernmental organization that directly serves or*
15 *provides advocacy on behalf of victims of rape or sex-*
16 *ual assault; and*

17 *“(2) the term ‘sexual assault prevention and edu-*
18 *cation’ means education and prevention efforts di-*
19 *rected at reducing the number of sexual assaults.”.*

20 (b) *AUTHORIZATION OF APPROPRIATION.*—Section
21 1001(a) of title I of the Omnibus Crime Control and Safe
22 Streets Act of 1968 (42 U.S.C. 3793), is amended by adding
23 after paragraph (11), as added by section 111 of this Act,
24 the following:

1 “(12) There are authorized to be appropriated to carry
 2 out the purposes of part R, \$60,000,000 for fiscal year 1994,
 3 \$75,000,000 for fiscal year 1995, and \$100,000,000 for fis-
 4 cal year 1996.”.

5 (c) *ADMINISTRATIVE PROVISIONS.*—(1) Section 801(b)
 6 of title I of the Omnibus Crime Control and Safe Streets
 7 Act of 1968, as amended by section 111 of this Act, is
 8 amended by striking “O, and Q” and inserting “O, Q, and
 9 R”; and

10 (2) Section 802(b) of title I of the Omnibus Crime Con-
 11 trol and Safe Streets Act of 1968, as amended by section
 12 111 of this Act, is amended by striking “O, or Q” and in-
 13 serting “O, Q, or R”.

14 (d) *CONFORMING AMENDMENT.*—The table of contents
 15 of title I of the Omnibus Crime Control and Safe Streets
 16 Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section
 17 111, is amended by striking the matter relating to part R
 18 and inserting the following:

“PART R—RAPE PREVENTION PROGRAMS

“Sec. 1801. Grant authorization.

“Sec. 1802. Applications.

“Sec. 1803. Reports.

“Sec. 1804. Definitions.

“PART S—TRANSITION; EFFECTIVE DATE; REPEALER

“Sec. 1901. Continuation of rules, authorities, and proceedings.”.

1 **CHAPTER 2—OFFENDER TRAINING AND**
2 **INFORMATION PROGRAMS**

3 **SEC. 126. NATIONAL INSTITUTE OF JUSTICE TRAINING PRO-**
4 **GRAMS.**

5 (a) *IN GENERAL.*—The National Institute of Justice,
6 after consultation with victim advocates and individuals
7 who have expertise in treating sex offenders, shall establish
8 criteria and develop training programs to assist probation
9 and parole officer and other personnel who work with re-
10 leased sex offenders in the areas of—

11 (1) case management;

12 (2) supervision; and

13 (3) relapse prevention.

14 (b) *TRAINING PROGRAMS.*—The Director of the Na-
15 tional Institute of Justice shall attempt, to the extent prac-
16 ticable, to make training programs developed under sub-
17 section (a) available in geographically diverse locations
18 throughout the country.

19 (c) *AUTHORIZATION OF APPROPRIATIONS.*—There is
20 authorized to be appropriated \$1,000,000 for each of the
21 fiscal years 1994 and 1995 to carry out the provisions of
22 this section.

23 **SEC. 127. INFORMATION PROGRAMS.**

24 The Attorney General shall compile information re-
25 garding sex offender treatment programs and ensure that

1 *information regarding community treatment programs in*
 2 *the community into which a convicted sex offender is re-*
 3 *leased is made available to each person serving a sentence*
 4 *of imprisonment in a Federal penal or correctional institu-*
 5 *tion for a commission of an offense under chapter 109A of*
 6 *title 18 of the United States Code or for the commission*
 7 *of a similar offense, including halfway houses and psy-*
 8 *chiatric institutions.*

9 ***Subtitle C—Victim Compensation***

10 ***SEC. 131. VICTIM COMPENSATION.***

11 *(a) IN GENERAL.—Chapter 109A of title 18, United*
 12 *States Code, is amended by adding at the end the following*
 13 *new section:*

14 ***“§ 2246. Mandatory restitution for sex offenses***

15 *“(a) IN GENERAL.—Notwithstanding section 3663 of*
 16 *this title, and in addition to any other civil or criminal*
 17 *penalty authorized by law, the court shall order restitution*
 18 *for any offense under this chapter.*

19 *“(b) SCOPE AND NATURE OF ORDER.—*

20 *“(1) IN GENERAL.—The order of restitution*
 21 *under this section shall direct that—*

22 *“(A) the defendant pay to the victim the*
 23 *full amount of the victim’s losses as determined*
 24 *by the court, pursuant to paragraph (3) of this*
 25 *subsection; and*

1 “(B) the United States Attorney enforce the
2 restitution order by all available and reasonable
3 means.

4 “(2) DEFINITIONS.—As used in this subsection,
5 the term ‘full amount of the victim’s losses’ includes
6 any costs incurred by the victim for—

7 “(A) medical services relating to physical,
8 psychiatric, or psychological care;

9 “(B) physical and occupational therapy or
10 rehabilitation;

11 “(C) lost income;

12 “(D) attorneys’ fees, plus any costs incurred
13 in obtaining a civil protection order;

14 “(E) temporary housing;

15 “(F) transportation;

16 “(G) necessary child care;

17 “(H) language translation services; and

18 “(I) any other losses suffered by the victim
19 as a proximate result of the offense.

20 “(3) MANDATORY NATURE OF ORDER.—(A) Res-
21 titution orders under this section are mandatory. A
22 court may not decline to issue an order under this
23 section because of—

24 “(i) the economic circumstances of the de-
25 fendant; or

1 “(ii) the fact that a victim has, or is enti-
2 tled to, receive compensation for his or her inju-
3 ries from the proceeds of insurance or any other
4 source.

5 “(B) Subparagraph (A) of this paragraph does
6 not apply if—

7 “(i) the court finds on the record that the
8 economic circumstances of the defendant do not
9 allow for the payment of any amount of a res-
10 titution order, and do not allow for the payment
11 of any amount of a restitution order in the fore-
12 seeable future (under any reasonable schedule of
13 payments); and

14 “(ii) the court enters in its order the
15 amount of the victim’s losses, and provides a
16 nominal restitution award.

17 “(4) CONSIDERATION OF ECONOMIC CIR-
18 CUMSTANCES.—

19 “(A) IN GENERAL.—Notwithstanding para-
20 graph (3) of this subsection, the court may take
21 into account the economic circumstances of the
22 defendant in determining the manner in which
23 and the schedule according to which the restitu-
24 tion is to be paid, including—

1 “(i) the financial resources and other
2 assets of the defendant;

3 “(ii) projected earnings, earning ca-
4 pacity, and other income of the defendant;
5 and

6 “(iii) any financial obligations of the
7 defendant, including obligations to depend-
8 ents.

9 “(B) LUMP-SUM OR PARTIAL PAYMENT.—
10 An order under this section may direct the de-
11 fendant to make a single lump-sum payment or
12 partial payments at specified intervals. The
13 order shall also provide that the defendant’s
14 restitutionary obligation takes priority over any
15 criminal fine ordered.

16 “(5) SETOFF.—Any amount paid to a victim
17 under this section shall be set off against any amount
18 later recovered as compensatory damages by the vic-
19 tim from the defendant in—

20 “(A) any Federal civil proceeding; and

21 “(B) any State civil proceeding, to the ex-
22 tent provided by the law of the State.

23 “(c) PROOF OF CLAIM.—

24 “(1) IN GENERAL.—Within 60 days after convic-
25 tion and, in any event, no later than 10 days prior

1 to sentencing, the United States Attorney (or dele-
2 gate), after consulting with the victim, shall prepare
3 and file an affidavit with the court listing the
4 amounts subject to restitution under this section. The
5 affidavit shall be signed by the United States Attor-
6 ney (or delegate) and the victim. Should the victim
7 object to any of the information included in the affi-
8 davit, the United States Attorney (or delegate) shall
9 advise the victim that the victim may file a separate
10 affidavit.

11 “(2) OBJECTIONS.—If, after notifying the de-
12 fendant of the affidavit, no objection is raised by the
13 defendant, the amounts attested to in the affidavit
14 filed pursuant to paragraph (1) of this subsection
15 shall be entered in the court’s restitution order. If ob-
16 jection is raised, the court may require the victim or
17 the United States Attorney (or such Attorney’s dele-
18 gate) to submit further affidavits or other supporting
19 documents, demonstrating the victim’s losses.

20 “(3) ADDITIONAL DOCUMENTATION AND TESTI-
21 MONY.—If the court concludes, after reviewing the
22 supporting documentation and considering the de-
23 fendant’s objections, that there is a substantial reason
24 for doubting the authenticity or veracity of the
25 records submitted, the court may require additional

1 *documentation or hear testimony on those questions.*
 2 *The privacy of any records filed, or testimony heard,*
 3 *pursuant to this section, shall be maintained to the*
 4 *greatest extent possible.*

5 “(4) *FINAL DETERMINATION OF LOSSES.*—*In the*
 6 *event that the victim’s losses are not ascertainable 10*
 7 *days prior to sentencing as provided in subsection*
 8 *(c)(1) of this section, the United States Attorney (or*
 9 *delegate) shall so inform the court, and the court shall*
 10 *set a date for the final determination of the victim’s*
 11 *losses, not to exceed 90 days after sentencing. If the*
 12 *victim subsequently discovers further losses, the victim*
 13 *shall have 60 days after discovery of those losses in*
 14 *which to petition the court for an amended restitution*
 15 *order. Such order may be granted only upon a show-*
 16 *ing of good cause for the failure to include such losses*
 17 *in the initial claim for restitutionary relief.”.*

18 (b) *TABLE OF SECTIONS.*—*The table of sections at the*
 19 *beginning of chapter 109A of title 18, United States Code,*
 20 *is amended by adding at the end the following:*

 “2246. *Mandatory restitution for sex offenses.*”.

21 ***Subtitle D—Safe Campuses for***
 22 ***Women***

23 ***SEC. 141. CAMPUS SEXUAL ASSAULT STUDY.***

24 (a) *STUDY.*—*The Attorney General shall provide for*
 25 *a national baseline study to examine the scope of the prob-*

1 *lem of campus sexual assaults and the effectiveness of insti-*
2 *tutional and legal policies in addressing such crimes and*
3 *protecting victims. The Attorney General may utilize the*
4 *Bureau of Justice Statistics, the National Institute of Jus-*
5 *tice, and the Office for Victims of Crime in carrying out*
6 *this section.*

7 (b) *REPORT.—Based on the study required by sub-*
8 *section (a), the Attorney General shall prepare a report in-*
9 *cluding an analysis of—*

10 (1) *the number of reported allegations and esti-*
11 *mated number of unreported allegations of campus*
12 *sexual assaults, and to whom the allegations are re-*
13 *ported (including authorities of the educational insti-*
14 *tution, sexual assault victim service entities, and local*
15 *criminal authorities);*

16 (2) *the number of campus sexual assault allega-*
17 *tions reported to authorities of educational institu-*
18 *tions which are reported to criminal authorities;*

19 (3) *the number of campus sexual assault allega-*
20 *tions that result in criminal prosecution in compari-*
21 *son with the number of noncampus sexual assault al-*
22 *legations that result in criminal prosecution;*

23 (4) *Federal and State laws or regulations per-*
24 *taining specifically to campus sexual assaults;*

1 (5) the adequacy of policies and practices of edu-
2 cational institutions in addressing campus sexual as-
3 saults and protecting victims, including consideration
4 of—

5 (A) the security measures in effect at edu-
6 cational institutions, such as utilization of cam-
7 pus police and security guards, control over ac-
8 cess to grounds and buildings, supervision of stu-
9 dent activities and student living arrangements,
10 control over the consumption of alcohol by stu-
11 dents, lighting, and the availability of escort
12 services;

13 (B) the articulation and communication to
14 students of the institution's policies concerning
15 sexual assaults;

16 (C) policies and practices that may prevent
17 or discourage the reporting of campus sexual as-
18 saults to local criminal authorities, or that may
19 otherwise obstruct justice or interfere with the
20 prosecution of perpetrators of campus sexual as-
21 saults;

22 (D) the nature and availability of victim
23 services for victims of campus sexual assaults;

1 (E) the ability of educational institutions'
2 disciplinary processes to address allegations of
3 sexual assault adequately and fairly;

4 (F) measures that are taken to ensure that
5 victims are free of unwanted contact with alleged
6 assailants, and disciplinary sanctions that are
7 imposed when a sexual assault is determined to
8 have occurred; and

9 (G) the grounds on which educational insti-
10 tutions are subject to lawsuits based on campus
11 sexual assaults, the resolution of these cases, and
12 measures that can be taken to avoid the likeli-
13 hood of lawsuits;

14 (6) an assessment of the policies and practices of
15 educational institutions that are most effective in ad-
16 dressing campus sexual assaults and protecting vic-
17 tims, including policies and practices relating to the
18 particular issues described in paragraph (5); and

19 (7) any recommendations the Attorney General
20 may have for reforms to address campus sexual as-
21 saults and protect victims more effectively, and any
22 other matters that the Attorney General deems rel-
23 evant to the subject of the study and report required
24 by this section.

12 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
13 authorized to be appropriated \$200,000 to carry out the
14 study required by this section.

17 ***SEC. 201. SHORT TITLE.***

20 ***Subtitle A—Interstate Enforcement***

22 (a) *IN GENERAL.*—Part I of title 18, United States
23 Code, is amended by inserting after chapter 110 the follow-
24 ing new chapter:

1 **“CHAPTER 110A—DOMESTIC VIOLENCE**

“Sec. 2261. Interstate domestic violence.

“Sec. 2262. Violation of protection order.

“Sec. 2263. Pretrial release of defendant.

“Sec. 2264. Restitution.

“Sec. 2265. Full faith and credit given to protection orders.

“Sec. 2266. Definitions for chapter.

2 **“§ 2261. Interstate domestic violence**

3 “(a) Whoever travels across a State line or enters or
4 leaves Indian country with the intent to contact that per-
5 son’s spouse or intimate partner, and in the course of that
6 contact intentionally commits a crime of violence and there-
7 by causes bodily injury to such spouse or intimate partner,
8 shall be punished as provided in subsection (b) of this sec-
9 tion.

10 “(b) The punishment for a violation of subsection (a)
11 of this section is a fine under this title, or imprisonment—

12 “(1) for life or any term of years, if the offender
13 murders the victim;

14 “(2) for not more than 20 years, if the offender
15 causes serious bodily injury to the victim;

16 “(3) for not more than 10 years, if the offender
17 uses a dangerous weapon during the offense;

18 “(4) as provided for the applicable conduct
19 under chapter 109A, if the offense constitutes sexual
20 abuse, as described under chapter 109A (without re-
21 gard to whether the offense was committed in the spe-

1 *cial maritime and territorial jurisdiction of the Unit-*
2 *ed States or in a Federal prison); and*

3 *“(5) for not more than 5 years, in any other*
4 *case;*

5 *or both such fine and imprisonment.*

6 ***“§ 2262. Violation of protection order***

7 *“(a) Whoever travels across a State line or enters or*
8 *leaves Indian country with the intent to engage in conduct*
9 *that—*

10 *“(1) violates a protection order; or*

11 *“(2) would violate such order if the conduct oc-*
12 *curred in the jurisdiction in which such order was is-*
13 *sued;*

14 *and does engage in such conduct shall be punished as pro-*
15 *vided in subsection (b) of this section.*

16 *“(b) The punishment for a violation of subsection (a)*
17 *of this section is a fine under this title, or imprisonment*
18 *for not less than 3 months and not more than 3 years, or*
19 *both. Any term of imprisonment imposed under this section*
20 *shall be consecutive to any term imposed under section 2261*
21 *of this title with respect to the same criminal episode.*

22 ***“§ 2263. Pretrial release of defendant***

23 *“In any proceeding pursuant to section 3142 of this*
24 *title for the purpose of determining whether a defendant*
25 *charged under this chapter shall be released pending trial,*

1 *or for the purpose of determining conditions of such release,*
 2 *the alleged victim shall be given an opportunity to be heard*
 3 *regarding the danger posed by the defendant.*

4 ***“§ 2264. Restitution***

5 *“(a) IN GENERAL.—In addition to any fine or term*
 6 *of imprisonment provided under this chapter, and notwith-*
 7 *standing the terms of section 3663 of this title, the court*
 8 *shall order restitution to the victim of an offense under this*
 9 *chapter.*

10 *“(b) SCOPE AND NATURE OF ORDER.—*

11 *“(1) IN GENERAL.—The order of restitution*
 12 *under this section shall direct that—*

13 *“(A) the defendant pay to the victim the*
 14 *full amount of the victim’s losses as determined*
 15 *by the court, pursuant to paragraph (3) of this*
 16 *subsection; and*

17 *“(B) the United States Attorney enforce the*
 18 *restitution order by all available and reasonable*
 19 *means.*

20 *“(2) DEFINITION.—As used in this subsection,*
 21 *the term ‘full amount of the victim’s losses’ includes*
 22 *any costs incurred by the victim for—*

23 *“(A) medical services relating to physical,*
 24 *psychiatric, or psychological care;*

1 “(B) *physical and occupational therapy or*
2 *rehabilitation;*

3 “(C) *lost income;*

4 “(D) *attorneys’ fees, plus any costs incurred*
5 *in obtaining a civil protection order;*

6 “(E) *temporary housing;*

7 “(F) *transportation;*

8 “(G) *necessary child care;*

9 “(H) *language translation services; and*

10 “(I) *any other losses suffered by the victim*
11 *as a proximate result of the offense.*

12 “(3) *MANDATORY NATURE OF ORDER.—(A) Res-*
13 *titution orders under this section are mandatory. A*
14 *court may not decline to issue an order under this*
15 *section because of—*

16 “(i) *the economic circumstances of the de-*
17 *fendant; or*

18 “(ii) *the fact that a victim has, or is enti-*
19 *tled to, receive compensation for his or her inju-*
20 *ries from the proceeds of insurance or any other*
21 *source.*

22 “(B) *Subparagraph (A) of this paragraph does*
23 *not apply if—*

24 “(i) *the court finds on the record that the*
25 *economic circumstances of the defendant do not*

1 allow for the payment of any amount of a res-
2 titution order, and do not allow for the payment
3 of any amount of a restitution order in the fore-
4 seeable future (under any reasonable schedule of
5 payments); and

6 “(ii) the court enters in its order the
7 amount of the victim’s losses, and provides a
8 nominal restitution award.

9 “(4) CONSIDERATION OF ECONOMIC CIR-
10 CUMSTANCES.—

11 “(A) IN GENERAL.—Notwithstanding para-
12 graph (3) of this subsection, the court may take
13 into account the economic circumstances of the
14 defendant in determining the manner in which
15 and the schedule according to which the restitu-
16 tion is to be paid, including—

17 “(i) the financial resources and other
18 assets of the defendant;

19 “(ii) projected earnings, earning ca-
20 pacity, and other income of the defendant;
21 and

22 “(iii) any financial obligations of the
23 offender, including obligations to depend-
24 ents.

1 “(B) *LUMP-SUM OR PARTIAL PAYMENT.*—

2 *An order under this section may direct the de-*
3 *fendant to make a single lump-sum payment, or*
4 *partial payments at specified intervals. The*
5 *order shall provide that the defendant’s*
6 *restitutionary obligation takes priority over any*
7 *criminal fine ordered.*

8 “(5) *SETOFF.*—*Any amount paid to a victim*
9 *under this section shall be setoff against any amount*
10 *later recovered as compensatory damages by the vic-*
11 *tim from the defendant in—*

12 “(A) *any Federal civil proceeding; and*

13 “(B) *any State civil proceeding, to the ex-*
14 *tent provided by the law of the State.*

15 “(c) *PROOF OF CLAIM.*—

16 “(1) *IN GENERAL.*—*Within 60 days after convic-*
17 *tion and, in any event, no later than 10 days before*
18 *sentencing, the United States Attorney (or such Attor-*
19 *ney’s delegate), after consulting with the victim, shall*
20 *prepare and file an affidavit with the court listing*
21 *the amounts subject to restitution under this section.*
22 *The affidavit shall be signed by the United States At-*
23 *torney (or the delegate) and the victim. Should the*
24 *victim object to any of the information included in*
25 *the affidavit, the United States Attorney (or the dele-*

1 *gate) shall advise the victim that the victim may file*
2 *a separate affidavit and assist the victim in the prep-*
3 *aration of that affidavit.*

4 “(2) *OBJECTIONS.—If, after notifying the de-*
5 *fendant of the affidavit, no objection is raised by the*
6 *defendant, the amounts attested to in the affidavit*
7 *filed pursuant to paragraph (1) of this subsection*
8 *shall be entered in the court’s restitution order. If ob-*
9 *jection is raised, the court may require the victim or*
10 *the United States Attorney (or such Attorney’s dele-*
11 *gate) to submit further affidavits or other supporting*
12 *documents, demonstrating the victim’s losses.*

13 “(3) *ADDITIONAL DOCUMENTATION OR TESTI-*
14 *MONY.—If the court concludes, after reviewing the*
15 *supporting documentation and considering the de-*
16 *fendant’s objections, that there is a substantial reason*
17 *for doubting the authenticity or veracity of the*
18 *records submitted, the court may require additional*
19 *documentation or hear testimony on those questions.*
20 *The privacy of any records filed, or testimony heard,*
21 *pursuant to this section, shall be maintained to the*
22 *greatest extent possible.*

23 “(4) *FINAL DETERMINATION OF LOSSES.—In the*
24 *event that the victim’s losses are not ascertainable 10*
25 *days before sentencing as provided in paragraph (1)*

16 ***“§ 2265. Full faith and credit given to protection or-***
17 ***ders***

•HR 1133 RH

1 “(b) *PROTECTION ORDER*.—A protection order issued
2 by a State or tribal court is consistent with this subsection
3 if—

4 “(1) such court has jurisdiction over the parties
5 and matter under the law of such State or Indian
6 tribe; and

7 “(2) reasonable notice and opportunity to be
8 heard is given to the person against whom the order
9 is sought sufficient to protect that person’s right to
10 due process. In the case of *ex parte* orders, notice and
11 opportunity to be heard must be provided within the
12 time required by State or tribal law, and in any
13 event within a reasonable time after the order is is-
14 sued, sufficient to protect the respondent’s due process
15 rights.

16 “(c) *CROSS OR COUNTER PETITION*.—A protection
17 order issued by a State or tribal court against one who has
18 petitioned, filed a complaint, or otherwise filed a written
19 pleading for protection against abuse by a spouse or inti-
20 mate partner is not entitled to full faith and credit if—

21 “(1) no cross or counter petition, complaint, or
22 other written pleading was filed seeking such a pro-
23 tection order; or

1 “(2) a cross or counter petition has been filed
2 and the court did not make specific findings that each
3 party was entitled to such an order.

4 **“§ 2266. Definitions for chapter**

5 “As used in this chapter—

6 “(1) the term ‘spouse or intimate partner’ in-
7 cludes—

8 “(A) a spouse, a former spouse, a person
9 who shares a child in common with the abuser,
10 a person who cohabits or has cohabited with the
11 abuser as a spouse, and any other person simi-
12 larly situated to a spouse; and

13 “(B) any other person, other than a minor
14 child, who is protected by the domestic or family
15 violence laws of the State in which the injury oc-
16 curred or where the victim resides;

17 “(2) the term ‘protection order’ includes any in-
18 junction or other order issued for the purpose of pre-
19 venting violent or threatening acts by one spouse
20 against his or her spouse, former spouse, or intimate
21 partner, including temporary and final orders issued
22 by civil and criminal courts (other than support or
23 child custody orders) whether obtained by filing an
24 independent action or as a pendente lite order in an-
25 other proceeding so long as any civil order was issued

1 *in response to a complaint, petition or motion filed*
 2 *by or on behalf of an abused spouse or intimate part-*
 3 *ner;*

4 “(3) the term ‘State’ includes a State of the
 5 United States, the District of Columbia, a common-
 6 wealth, territory, or possession of the United States;

7 “(4) the term ‘travel across State lines’ does not
 8 include travel across State lines by an individual who
 9 is a member of an Indian tribe when such individual
 10 remains at all times in the territory of the Indian
 11 tribe of which the individual is a member;

12 “(5) the term ‘bodily harm’ means any act, ex-
 13 cept one done in self-defense, that results in physical
 14 injury or sexual abuse; and

15 “(6) the term ‘Indian country’ has the meaning
 16 given to such term by section 1151 of this title.”.

17 (b) *TABLE OF CHAPTERS.*—The table of chapters at
 18 the beginning part 1 of title 18, United States Code, is
 19 amended by inserting after the item for chapter 110 the fol-
 20 lowing new item:

“110A. Violence against spouses 2261.”.

1 ***Subtitle B—Arrest in Domestic***
2 ***Violence Cases***

3 ***SEC. 221. ENCOURAGING ARREST POLICIES.***

4 (a) *IN GENERAL.*—Title I of the Omnibus Crime Con-
5 *trol and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.),*
6 *as amended by section 121, is further amended by—*

7 (1) *redesignating part S as part T;*

8 (2) *redesignating section 1901 as section 2001;*

9 *and*

10 (3) *adding after part R the following new part:*

11 ***“PART S—GRANTS TO ENCOURAGE ARREST***
12 ***POLICIES***

13 ***“SEC. 1901. ARREST POLICIES.***

14 “(a) *GENERAL PROGRAM PURPOSE.*—The purpose of
15 *this part is to encourage States, Indian tribes, and units*
16 *of local government to treat domestic violence as a serious*
17 *violation of criminal law. The Director of the Bureau of*
18 *Justice Assistance may make grants to eligible States, In-*
19 *dian tribes, or units of local government for the following:*

20 “(1) *To implement mandatory arrest or*
21 *proarrest programs, including mandatory arrest pro-*
22 *grams for protective order violations.*

23 “(2) *To develop policies, and training in police*
24 *departments to improve tracking of cases involving*
25 *domestic violence.*

1 “(3) To centralize and coordinate police enforce-
2 ment, prosecution, or judicial responsibility for do-
3 mestic violence cases in groups or units of police offi-
4 cers, prosecutors, or judges.

5 “(4) To strengthen legal advocacy service pro-
6 grams for victims of domestic violence.

7 “(5) To educate judges in criminal and other
8 courts about domestic violence and to improve judi-
9 cial handling of such cases.

10 “(b) *ELIGIBILITY*.—Eligible grantees are States, In-
11 dian tribes, or units of local government that—

12 “(1) certify that their laws or official policies—

13 “(A)(i) mandate arrest of domestic violence
14 offenders based on probable cause that violence
15 has been committed; or

16 “(ii) certify that all their law enforcement
17 personnel have received domestic violence train-
18 ing conducted by a State Domestic Violence Coa-
19 lition as defined in section 10410(b) of title 42,
20 United States Code; or

21 “(iii) allow, as permitted by the Constitu-
22 tion, warrantless misdemeanor arrests based on
23 probable cause that violence has been committed
24 and encourage the use of such authority.

1 “(B) mandate arrest of domestic violence of-
2 fenders who violate the terms of a valid and out-
3 standing protection order;

4 “(2) demonstrate that their laws, policies, or
5 practices, and training programs discourage dual ar-
6 rests of offender and victim;

7 “(3) certify that their laws, policies, and prac-
8 tices prohibit issuance of mutual restraining orders of
9 protection except in cases where both spouses file a
10 claim and the court makes detailed finding of fact in-
11 dicating that both spouses acted primarily as aggres-
12 sors and that neither spouse acted primarily in self-
13 defense;

14 “(4) certify that their laws, policies, and prac-
15 tices do not require, in connection with the prosecu-
16 tion of any misdemeanor or felony domestic violence
17 offense, that the abused bear the costs associated with
18 the filing of criminal charges or the service of such
19 charges on an abuser, or that the abused bear the costs
20 associated with the issuance or service of a warrant,
21 protection order, or witness subpoena; and

22 “(5) certify that their laws and policies treat sex
23 offenses committed by offenders who are known to, co-
24 habitants of, or social companions of or related by
25 blood or marriage to, the victim no less severely than

1 *sex offenses committed by offenders who are strangers*
2 *to the victim.*

3 ***“SEC. 1902. APPLICATIONS.***

4 ***“(a) APPLICATION.—An eligible grantee shall submit***
5 ***an application to the Director that shall—***

6 ***“(1) describe plans to implement policies de-***
7 ***scribed in subsection (b);***

8 ***“(2) identify the agency or office or groups of***
9 ***agencies or offices responsible for carrying out the***
10 ***program; and***

11 ***“(3) include documentation from nonprofit, pri-***
12 ***vate sexual assault and domestic violence programs***
13 ***demonstrating their participation in developing the***
14 ***application, and identifying such programs in which***
15 ***such groups will be consulted for development and im-***
16 ***plementation.***

17 ***“(b) PRIORITY.—In awarding grants under this part,***
18 ***the Director shall give priority to an applicant that—***

19 ***“(1) does not currently provide for centralized***
20 ***handling of cases involving domestic violence by pol-***
21 ***icy, prosecutors, and courts; and***

22 ***“(2) demonstrates a commitment to strong en-***
23 ***forcement of laws, and prosecution of cases, involving***
24 ***domestic violence.***

1 ***“SEC. 1903. REPORTS.***

2 *“Each grantee receiving funds under this part shall*
3 *submit a report to the Director evaluating the effectiveness*
4 *of projects developed with funds provided under this part*
5 *and containing such additional information as the Director*
6 *may prescribe.*

7 ***“SEC. 1904. DEFINITIONS.***

8 *“For purposes of this part—*

9 *“(1) the term ‘domestic violence’ means a crime*
10 *of violence against a victim committed by a current*
11 *or former spouse of the victim, an individual with*
12 *whom the victim shares a child in common, an indi-*
13 *vidual who cohabits with or has cohabited with the*
14 *victim as a spouse, or any other individual similarly*
15 *situated to a spouse, or any other person who is pro-*
16 *ected under the domestic or family violence laws of*
17 *the eligible State, Indian tribe, municipality, or local*
18 *government entity; and*

19 *“(2) the term ‘protection order’ includes any in-*
20 *junction issued for the purpose of preventing violent*
21 *or threatening acts of domestic violence including*
22 *temporary and final orders issued by civil and crimi-*
23 *nal courts (other than support or child custody provi-*
24 *sions) whether obtained by filing an independent ac-*
25 *tion or as a pendente lite order in another proceed-*
26 *ing.”.*

1 (b) *AUTHORIZATION OF APPROPRIATIONS.*—Section
2 1001(a) of title I of the Omnibus Crime Control and Safe
3 Streets Act of 1968 (42 U.S.C. 3793), is amended by adding
4 after paragraph (12), as added by section 121 of this Act,
5 the following:

6 “(13) There are authorized to be appropriated
7 \$25,000,000 for each of the fiscal years 1994, 1995, and
8 1996 to carry out the purposes of part S.”.

9 (c) *ADMINISTRATIVE PROVISIONS.*—(1) Section 801(b)
10 of title I of the Omnibus Crime Control and Safe Streets
11 Act of 1968, as amended by section 121 of this Act, is
12 amended by striking “O, Q, and R” and inserting “O, Q,
13 R, and S”; and

14 (2) Section 802(b) of title I of the Omnibus Crime Con-
15 trol and Safe Streets Act of 1968, as amended by section
16 121 of this Act, is amended by striking “O, Q, or R” and
17 inserting “O, Q, R, or S”.

18 (d) *EFFECTIVE DATE.*—The eligibility requirements
19 provided in this section shall take effect 1 year after the
20 date of enactment of this subtitle.

21 (e) *CONFORMING AMENDMENT.*—The table of contents
22 of title I of the Omnibus Crime Control and Safe Streets
23 Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section
24 121, is further amended by striking the matter relating to
25 part S and inserting the following:

*“PART S—GRANTS TO ENCOURAGE ARREST POLICIES**“Sec. 1901. Arrest policies.**“Sec. 1902. Applications.**“Sec. 1903. Reports.**“Sec. 1904. Definitions.**“PART T—TRANSITION; EFFECTIVE DATE; REPEALER**“Sec. 2001. Continuation of rules, authorities, and proceedings.”.*1 ***Subtitle C—Domestic Violence***2 ***SEC. 231. SHORT TITLE.***3 *This subtitle may be cited as the “Domestic Violence*
4 *Firearm Prevention Act”.*5 ***SEC. 232. FINDINGS.***6 *The Congress finds that—*7 *(1) domestic violence is the leading cause of in-*
8 *jury to women in the United States between the ages*
9 *of 15 and 44;*10 *(2) firearms are used by the abuser in 7 percent*
11 *of domestic violence incidents and produces an ad-*
12 *verse effect on interstate commerce; and*13 *(3) individuals with a history of domestic abuse*
14 *should not have easy access to firearms.*15 ***SEC. 233. PROHIBITION AGAINST DISPOSAL OF FIREARMS***
16 ***TO, OR RECEIPT OF FIREARMS BY, PERSONS***
17 ***WHO HAVE COMMITTED DOMESTIC ABUSE.***18 *(a) INTIMATE PARTNER DEFINED.—Section 921(a) of*
19 *title 18, United States Code, is amended by inserting at*
20 *the end the following:*

1 “(29) The term ‘intimate partner’ means, with respect
2 to a person, the spouse of the person, a former spouse of
3 the person, an individual who is a parent of a child of the
4 person, and an individual who cohabitates or has cohabited
5 with the person.”.

6 (b) PROHIBITION AGAINST DISPOSAL OF FIREARMS.—
7 Section 922(d) of such title is amended—

8 (1) by striking “or” at the end of paragraph (6);

9 (2) by striking the period at the end of para-
10 graph (7) and inserting “; or”; and

11 (3) by inserting after paragraph (7) the follow-
12 ing:

13 “(8) is subject to a court order that restrains
14 such person from harassing, stalking, or threatening
15 an intimate partner of such person, or engaging in
16 other conduct that would place an intimate partner
17 in reasonable fear of bodily injury, except that this
18 paragraph shall only apply to a court order that (A)
19 was issued after a hearing of which such person re-
20 ceived actual notice, and at which such person had
21 the opportunity to participate, and (B) includes a
22 finding that such person represents a credible threat
23 to the physical safety of such intimate partner.”.

24 (c) PROHIBITION AGAINST RECEIPT OF FIREARMS.—
25 Section 922(g) of such title is amended—

1 (1) by striking “or” at the end of paragraph (6);

2 (2) by inserting “or” at the end of paragraph

3 (7); and

4 (3) by inserting after paragraph (7) the follow-
5 ing:

6 “(8) who is subject to a court order that—

7 “(A) was issued after a hearing of which
8 such person received actual or constructive no-
9 tice, and at which such person had an oppor-
10 tunity to participate;

11 “(B) restrains such person from harassing,
12 stalking, or threatening an intimate partner of
13 such person, or engaging in other conduct that
14 would place an intimate partner in reasonable
15 fear of bodily injury; and

16 “(C) includes a finding that such person
17 represents a credible threat to the physical safety
18 of such intimate partner,”.

19 (d) *STORAGE OF FIREARMS*.—Section 926(a) of such
20 title is amended—

21 (1) by striking “and” at the end of paragraph

22 (1);

23 (2) by striking the period at the end of para-
24 graph (2) and inserting “; and”; and

1 (3) by inserting after paragraph (2) the follow-
2 ing:

3 “(3) regulations providing for effective receipt
4 and secure storage of firearms relinquished by or
5 seized from persons described in subsection (d)(8) or
6 (g)(8) of section 922.”.

7 (e) *RETURN OF FIREARMS*.—Section 924(d)(1) of such
8 title is amended by striking “the seized” and inserting “or
9 lapse of or court termination of the restraining order to
10 which he is subject, the seized or relinquished”.

11 ***Subtitle D—Protection for***
12 ***Immigrant Women***

13 ***SEC. 241. ALIEN SPOUSE PETITIONING RIGHTS FOR IMME-***
14 ***Diate Relative or Second Preference***
15 ***Status.***

16 (a) *IN GENERAL*.—Section 204(a)(1) of the Immigra-
17 tion and Nationality Act (8 U.S.C. 1154(a)(1)) is amend-
18 ed—

19 (1) in subparagraph (A)—

20 (A) by inserting “(i)” after “(A)”,

21 (B) by redesignating the second sentence as
22 clause (ii), and

23 (C) by adding at the end the following new
24 clause:

1 “(iii) An alien who is the spouse of a citizen of the
2 United States, who is eligible to be classified as an imme-
3 diate relative under section 201(b)(2)(A)(i), and who has
4 resided in the United States with the alien’s spouse may
5 file a petition with the Attorney General under this sub-
6 paragraph for classification of the alien (and children of
7 the alien) under such section if the alien demonstrates to
8 the Attorney General that—

9 “(I) the alien is residing in the United States,
10 the marriage between the alien and the spouse was
11 entered into in good faith by the alien, and during
12 the marriage the alien or a child of the alien has been
13 battered by or has been the subject of extreme cruelty
14 perpetrated by the alien’s spouse, or

15 “(II) the alien is residing in the United States
16 with the alien’s spouse, the alien has been married to
17 and residing with the spouse for a period of not less
18 than 3 years, and the alien’s spouse has failed to file
19 a petition under clause (i) on behalf of the alien.”;
20 and

21 (2) in subparagraph (B)—

22 (A) by inserting “(i)” after “(B)”, and

23 (B) by adding at the end the following new
24 clause:

1 “(ii) An alien who is the spouse of an alien lawfully
 2 admitted for permanent residence, who is eligible for classi-
 3 fication under section 203(a)(2)(A), and who has resided
 4 in the United States with the alien’s legal permanent resi-
 5 dent spouse may file a petition with the Attorney General
 6 under this subparagraph for classification of the alien (and
 7 children of the alien) under such section if the alien dem-
 8 onstrates to the Attorney General that the conditions de-
 9 scribed in subclause (I) or (II) of subparagraph (A)(iii) are
 10 met with respect to the alien.”.

11 (b) CONFORMING AMENDMENTS.—(1) Section
 12 204(a)(2) of such Act (8 U.S.C. 1154(a)(2)) is amended—

13 (A) in subparagraph (A), by striking “filed by
 14 an alien who,” and inserting “for the classification of
 15 the spouse of an alien if the alien,”, and

16 (B) in subparagraph (B), by striking “by an
 17 alien whose prior marriage” and inserting “for the
 18 classification of the spouse of an alien if the prior
 19 marriage of the alien”.

20 (2) Section 201(b)(2)(A)(i) of such Act (8 U.S.C.
 21 1151(b)(2)(A)(i)) is amended by striking “204(a)(1)(A)”
 22 and inserting “204(a)(1)(A)(ii)”.

23 (c) SURVIVAL RIGHTS TO PETITION.—Section 204 of
 24 the Immigration and Nationality Act (8 U.S.C. 1154) is
 25 amended by adding at the end the following new subsection:

1 “(h) *The legal termination of a marriage may not be*
 2 *the basis for revocation under section 205 of a petition filed*
 3 *under subsection (a)(1)(A)(iii)(I) or a petition filed under*
 4 *subsection (a)(1)(B)(ii) pursuant to conditions described in*
 5 *subsection (a)(1)(A)(iii)(I).”.*

6 (d) *EFFECTIVE DATE.*—*The amendments made by this*
 7 *section shall take effect January 1, 1994.*

8 **SEC. 242. USE OF CREDIBLE EVIDENCE IN SPOUSAL WAIVER**
 9 **APPLICATIONS.**

10 (a) *IN GENERAL.*—*Section 216(c)(4) of the Immigra-*
 11 *tion and Nationality Act (8 U.S.C. 1186a(c)(4)) is amend-*
 12 *ed by inserting after the second sentence the following: “In*
 13 *acting on applications under this paragraph, the Attorney*
 14 *General shall consider any credible evidence submitted in*
 15 *support of the application (whether or not the evidence is*
 16 *supported by an evaluation of a licensed mental health pro-*
 17 *fessional). The determination of what evidence is credible*
 18 *and the weight to be given that evidence shall be within*
 19 *the sole discretion of the Attorney General.”.*

20 (b) *EFFECTIVE DATE.*—*The amendment made by sub-*
 21 *section (a) shall take effect on the date of the enactment*
 22 *of this Act and shall apply to applications made before,*
 23 *on, or after such date.*

1 **SEC. 243. SUSPENSION OF DEPORTATION.**

2 *Section 244(a) of the Immigration and Nationality*
3 *Act (8 U.S.C. 1254(a)) is amended—*

4 *(1) at the end of paragraph (1) by striking “or”;*

5 *(2) at the end of paragraph (2) by striking the*
6 *period and inserting “; or”; and*

7 *(3) by inserting after paragraph (2) the follow-*
8 *ing:*

9 *“(3) is deportable under any law of the United*
10 *States except section 241(a)(1)(G) and the provisions*
11 *specified in paragraph (2); is physically present in*
12 *the United States; has been battered or subjected to*
13 *extreme cruelty in the United States by a spouse or*
14 *parent who is a United States citizen or lawful per-*
15 *manent resident; and proves that during all of such*
16 *time in the United States the alien was and is a per-*
17 *son of good moral character; and is a person whose*
18 *deportation would, in the opinion of the Attorney*
19 *General, result in extreme hardship to the alien or the*
20 *alien’s parent or child.”.*

**TITLE III—MISCELLANEOUS
PROVISIONS**

Subtitle A—Reports

**SEC. 301. REPORT ON CONFIDENTIALITY OF ADDRESSES
FOR VICTIMS OF DOMESTIC VIOLENCE.**

(a) *REPORT.*—The Attorney General shall conduct a study of the means by which abusive spouses may obtain information concerning the addresses or locations of estranged or former spouses, notwithstanding the desire of the victims to have such information withheld to avoid further exposure to abuse. Based on the study, the Attorney General shall transmit a report to Congress including—

(1) the findings of the study concerning the means by which information concerning the addresses or locations of abused spouses may be obtained by abusers; and

(2) analysis of the feasibility of creating effective means of protecting the confidentiality of information concerning the addresses and locations of abused spouses to protect such persons from exposure to further abuse while preserving access to such information for legitimate purposes.

(b) *USE OF COMPONENTS.*—The Attorney General may use the National Institute of Justice and the Office for Victims of Crime in carrying out this section.

1 **SEC. 302. REPORT ON RECORDKEEPING RELATING TO DO-**
2 **MESTIC VIOLENCE.**

3 *Not later than 1 year after the date of enactment of*
4 *this Act, the Attorney General shall complete a study of,*
5 *and shall submit to Congress a report and recommendations*
6 *on, problems of recordkeeping of criminal complaints in-*
7 *volving domestic violence. The study and report shall exam-*
8 *ine—*

9 *(1) the efforts that have been made by the De-*
10 *partment of Justice, including the Federal Bureau of*
11 *Investigation, to collect statistics on domestic violence;*
12 *and*

13 *(2) the feasibility of requiring that the relation-*
14 *ship between an offender and victim be reported in*
15 *Federal records of crimes of aggravated assault, rape,*
16 *and other violent crimes.*

17 **Subtitle B—Justice Department**
18 **Task Force on Violence Against**
19 **Women**

20 **SEC. 311. ESTABLISHMENT.**

21 *Not later than 30 days after the date of enactment of*
22 *this Act, the Attorney General shall establish a task force*
23 *to be known as the Attorney General's Task Force on Vio-*
24 *lence Against Women (referred to in this subtitle as the*
25 *“Task Force”).*

1 **SEC. 312. GENERAL PURPOSES OF TASK FORCE.**

2 (a) *GENERAL PURPOSE OF THE TASK FORCE.*—The
3 Task Force shall review Federal, State, and local strategies
4 for preventing and punishing violent crimes against
5 women, including the enhancement and protection of the
6 rights of the victims of such crimes, and make recommenda-
7 tions to improve the response to such crimes.

8 (b) *FUNCTIONS.*—The Task Force shall perform such
9 functions as the Attorney General deems appropriate to
10 carry out the purposes of the Task Force, including—

11 (1) *evaluating the adequacy of, and making rec-*
12 *ommendations regarding, current law enforcement ef-*
13 *forts at the Federal and State levels to reduce the rate*
14 *of violent crimes against women;*

15 (2) *evaluating the adequacy of, and making rec-*
16 *ommendations regarding, the responsiveness of State*
17 *prosecutors and State courts to violent crimes against*
18 *women;*

19 (3) *evaluating the adequacy of State and Federal*
20 *rules of evidence, practice, and procedure to ensure*
21 *the effective prosecution and conviction of violent of-*
22 *fenders against women and to protect victims from*
23 *abuse in legal proceedings, making recommendations,*
24 *where necessary, to improve those rules;*

25 (4) *evaluating the adequacy of pretrial release,*
26 *sentencing, incarceration, and post-conviction release*

1 for crimes that predominantly affect women, such as
2 rape and domestic violence;

3 (5) evaluating the adequacy of, and making rec-
4 ommendations regarding, the adequacy of State and
5 Federal laws on sexual assault and the need for a
6 more uniform statutory response to sex offenses, in-
7 cluding sexual assaults and other sex offenses commit-
8 ted by offenders who are known or related by blood
9 or marriage to the victim;

10 (6) evaluating the adequacy of, and making rec-
11 ommendations regarding, the adequacy of State and
12 Federal laws on domestic violence and the need for a
13 more uniform statutory response to domestic violence;

14 (7) evaluating the adequacy of, and making rec-
15 ommendations regarding, the adequacy of current
16 education, prevention, and protection services for
17 women victims of violent crimes;

18 (8) assessing the issuance, formulation, and en-
19 forcement of protective orders, whether or not related
20 to a criminal proceeding, and making recommenda-
21 tions for their more effective use in domestic violence
22 and stalking cases;

23 (9) assessing the problem of stalking and persist-
24 ent menacing and recommending an effective Federal
25 response to the problem;

1 (10) evaluating the adequacy of, and making rec-
2 ommendations regarding, the national public aware-
3 ness and the public dissemination of information es-
4 sential to the prevention of violent crimes against
5 women;

6 (11) evaluating the treatment of women as vic-
7 tims of violent crime in the State and Federal crimi-
8 nal justice system, and making recommendations to
9 improve such treatment; and

10 (12) assessing the problem of sexual exploitation
11 of women and youths through prostitution and in the
12 production of pornography, and recommending effec-
13 tive means of response to the problem.

14 **SEC. 313. MEMBERSHIP.**

15 (a) *CHAIR; NUMBER AND APPOINTMENT.*—The Task
16 Force shall be chaired by the Attorney General (or designee).
17 Not later than 60 days after the date of the enactment of
18 this Act, after consultation with the Secretary of Health and
19 Human Services, the Secretary of Education, and the Sec-
20 retary of Housing and Urban Development, the Attorney
21 General shall select up to 14 other members to serve on the
22 Task Force.

23 (b) *PARTICIPATION.*—The Attorney General (or des-
24 ignee) shall select, without regard to political affiliation,
25 members who are specially qualified to serve on the Task

1 *Force based on their involvement in efforts to combat vio-*
2 *lence against women, assistance or service to victims of such*
3 *violence, or other pertinent experience or expertise. The At-*
4 *torney General shall ensure that the Task Force includes*
5 *a broad base of participation by including members with*
6 *backgrounds in such areas as law enforcement, victim serv-*
7 *ices and advocacy, legal defense and prosecution, judicial*
8 *administration, medical services, and counseling.*

9 (c) *VACANCIES.*—*The Attorney General may fill any*
10 *vacancy that occurs on the Task Force.*

11 ***SEC. 314. TASK FORCE OPERATIONS.***

12 (a) *MEETINGS.*—*The Task Force shall hold its first*
13 *meeting on a date specified by the Attorney General (or des-*
14 *ignee), but shall not be later than 60 days after the date*
15 *of the enactment of this Act. After the initial meeting, the*
16 *Task Force shall meet at the call of the Attorney General*
17 *(or designee), but shall meet at least 6 times.*

18 (b) *PAY.*—*Members of the Task Force who are officers*
19 *or employees or elected officials of a government entity shall*
20 *receive no additional compensation by reason of their serv-*
21 *ice on the Task Force.*

22 (c) *PER DIEM.*—*Except as provided in subsection (b),*
23 *members of the Task Force shall be allowed travel and other*
24 *expenses including per diem in lieu of subsistence, at rates*

1 *authorized for employees of agencies under sections 5702*
2 *and 5703 of title 5, United States Code.*

3 **SEC. 315. REPORTS.**

4 *(a) IN GENERAL.—Not later than 1 year after the date*
5 *on which the Task Force is fully constituted under section*
6 *313, the Task Force shall prepare and submit a final report*
7 *to the President and to congressional committees that have*
8 *jurisdiction over legislation addressing violent crimes*
9 *against women, including the crimes of domestic and sexual*
10 *assault.*

11 *(b) CONTENTS.—The final report submitted under*
12 *paragraph (1) shall contain a detailed statement of the ac-*
13 *tivities of the Task Force and of the findings and conclu-*
14 *sions of the Task Force, including such recommendations*
15 *for legislation and administrative action as the Task Force*
16 *considers appropriate.*

17 **SEC. 316. EXECUTIVE DIRECTOR AND STAFF.**

18 *(a) EXECUTIVE DIRECTOR.—*

19 *(1) APPOINTMENT.—The Task Force shall have*
20 *an Executive Director who shall be appointed by the*
21 *Attorney General (or designee), with the approval of*
22 *the Task Force.*

23 *(2) COMPENSATION.—The Executive Director*
24 *shall be compensated at a rate not to exceed the maxi-*
25 *mum rate of the basic pay payable for a position*

1 *above GS-15 of the General Schedule contained in*
2 *title 5, United States Code.*

3 **(b) STAFF.**—*With the approval of the Task Force, the*
4 *Executive Director may appoint and fix the compensation*
5 *of such additional personnel as the Executive Director con-*
6 *siders necessary to carry out the duties of the Task Force.*

7 **(c) APPLICABILITY OF CIVIL SERVICE LAWS.**—*The Ex-*
8 *ecutive Director and the additional personnel of the Task*
9 *Force appointed under subsection (b) may be appointed*
10 *without regard to the provisions of title 5, United States*
11 *Code, governing appointments in the competitive service,*
12 *and may be paid without regard to the provisions of chapter*
13 *51 and subchapter III of chapter 53 of such title relating*
14 *to classification and General Schedule pay rates.*

15 **(d) CONSULTANTS.**—*Subject to such rules as may be*
16 *prescribed by the Task Force, the Executive Director may*
17 *procure temporary or intermittent services under section*
18 *3109(b) of title 5, United States Code, at rates for individ-*
19 *uals not to exceed \$200 per day.*

20 **SEC. 317. POWERS OF TASK FORCE.**

21 **(a) HEARINGS.**—*For the purposes of carrying out this*
22 *subtitle, the Task Force may conduct such hearings, sit and*
23 *act at such times and places, take such testimony, and re-*
24 *ceive such evidence, as the Task Force considers appro-*

1 *priate. The Task Force may administer oaths for testimony*
2 *before the Task Force.*

3 *(b) DELEGATION.—Any member or employee of the*
4 *Task Force may, if authorized by the Task Force, take any*
5 *action that the Task Force is authorized to take under this*
6 *subtitle.*

7 *(c) ACCESS TO INFORMATION.—The Task Force may*
8 *request directly from any executive department or agency*
9 *such information as may be necessary to enable the Task*
10 *Force to carry out this subtitle, on the request of the Attor-*
11 *ney General (or designee).*

12 *(d) MAILS.—The Task Force may use the United*
13 *States mails in the same manner and under the same condi-*
14 *tions as other departments and agencies of the United*
15 *States.*

16 **SEC. 318. AUTHORIZATION OF APPROPRIATIONS.**

17 *There is authorized to be appropriated to carry out*
18 *this subtitle \$500,000 for fiscal year 1994.*

19 **SEC. 319. TERMINATION.**

20 *The Task Force shall cease to exist 30 days after the*
21 *date on which its final report is submitted under section*
22 *315.*

1 ***Subtitle C—STD Testing***

2 ***SEC. 321. PAYMENT OF COST OF STD TESTING FOR VICTIMS***
 3 ***IN SEX OFFENSE CASES.***

4 *Section 503(c)(7) of the Victims' Rights and Restitu-*
 5 *tion Act of 1990 (42 U.S.C. 10607(c)(7)) is amended by*
 6 *adding at the end the following: "The Attorney General*
 7 *shall authorize the Director of the Office of Victims of Crime*
 8 *to provide for the payment of the cost of up to two tests*
 9 *of the victim for sexually transmitted diseases, including,*
 10 *but not limited to gonorrhea, herpes, chlamydia, syphilis,*
 11 *and HIV, during the 12 months following sexual assaults*
 12 *that pose a risk of transmission, and the cost of a counseling*
 13 *session by a medically trained professional on the accuracy*
 14 *of such tests and the risk of transmission of sexually trans-*
 15 *mitted diseases to the victim as the result of the assault."*

16 ***Subtitle D—Grant Programs***

17 ***SEC. 331. NATIONAL DOMESTIC VIOLENCE HOTLINE GRANT.***

18 *(a) FINDINGS.—Congress finds that—*

19 *(1) 4,000,000 women are battered by their part-*
 20 *ners each year, of which 4,000 die as a result of such*
 21 *abuse;*

22 *(2) victims of domestic violence need access to re-*
 23 *sources which will refer such victims and their chil-*
 24 *dren to safe homes and shelters; and*

1 (3) *there is a need for a national domestic vio-*
2 *lence hotline to provide information and assistance to*
3 *victims of domestic violence because a privately fund-*
4 *ed national domestic violence hotline which handled*
5 *more than 65,000 crisis calls annually no longer ex-*
6 *ists.*

7 (b) *IN GENERAL.—The Attorney General, through the*
8 *Bureau of Justice Assistance, shall provide a grant to a*
9 *nonprofit private organization to establish and operate a*
10 *national, toll-free telephone hotline to provide information*
11 *and assistance to victims of domestic violence. A grant pro-*
12 *vided under this subsection may extend over a period of*
13 *not more than 3 fiscal years and the provision of payments*
14 *under such grant shall be subject to annual approval by*
15 *the Attorney General and subject to the availability of ap-*
16 *propriations for the fiscal year involved to make the pay-*
17 *ments.*

18 (c) *APPLICATION.—*

19 (1) *IN GENERAL.—The Attorney General may*
20 *not provide a grant under subsection (b) unless an*
21 *application that meets the requirements of paragraph*
22 (2) *has been approved by the Attorney General.*

23 (2) *REQUIREMENTS.—An application meets the*
24 *requirements of this paragraph if the application—*

1 (A) contains such agreements, assurances,
2 and information, and is in such form and sub-
3 mitted in such manner as the Attorney General
4 shall prescribe through notice in the Federal Reg-
5 ister;

6 (B) demonstrates that the applicant has na-
7 tionally recognized expertise in the area of do-
8 mestic violence and a record of high quality serv-
9 ice to victims of domestic violence, including
10 support from advocacy groups, particularly
11 State coalitions and recognized national domes-
12 tic violence groups;

13 (C) demonstrates that the applicant has a
14 commitment to diversity, including the hiring of
15 and provision of services to ethnic, racial, cul-
16 tural, and non-English speaking minorities, in
17 addition to older individuals and individuals
18 with disabilities;

19 (D) demonstrates that the applicant has the
20 ability to integrate the hotline into existing serv-
21 ices provided by the applicant to victims of do-
22 mestic violence;

23 (E) includes a complete description of the
24 applicant's plan for the establishment and oper-
25 ation of the hotline, including a description of—

1 (i) *the hiring criteria and training*
2 *program for hotline personnel;*

3 (ii) *the methods for the creation, main-*
4 *tenance, and updating of a resource*
5 *database for the hotline;*

6 (iii) *a plan for providing service on a*
7 *24-hour-a-day basis to non-English speak-*
8 *ing callers, including hotline personnel who*
9 *speak Spanish;*

10 (iv) *a plan for access to the hotline by*
11 *individuals with hearing impairments; and*

12 (v) *a plan for publicizing the avail-*
13 *ability of the hotline; and*

14 (F) *contains such other information as the*
15 *Attorney General may require.*

16 (d) *SELECTION.—The Attorney General shall select a*
17 *nonprofit private organization to receive a grant under sub-*
18 *section (b) which has been in existence for at least 5 years*
19 *from the date of submission of the application by the orga-*
20 *nization.*

21 (e) *USES.—A grant made under subsection (b) shall*
22 *be used to establish and operate a national, toll-free tele-*
23 *phone hotline to provide information and assistance to vic-*
24 *tims of domestic violence. In establishing and operating the*
25 *hotline, a nonprofit private organization shall—*

1 (1) *contract with a carrier for the use of a toll-*
 2 *free telephone line;*

3 (2) *employ, train, and supervise personnel to an-*
 4 *swer incoming calls and provide counseling and refer-*
 5 *ral services to callers on a 24-hour-a-day basis;*

6 (3) *establish, maintain, and update a database*
 7 *of information relating to services for victims of do-*
 8 *mestic violence, including information on the avail-*
 9 *ability of shelters that serve battered women; and*

10 (4) *publicize the hotline to potential users*
 11 *throughout the United States.*

12 (f) *AUTHORIZATION OF APPROPRIATIONS.—*

13 (1) *IN GENERAL.—There is authorized to be ap-*
 14 *propriated to carry out this section \$1,000,000 for*
 15 *each of the fiscal years 1994 through 1996.*

16 (2) *AVAILABILITY.—Funds authorized to be ap-*
 17 *propriated under paragraph (1) shall remain avail-*
 18 *able until expended.*

19 **SEC. 332. GRANTS FOR COMMUNITY PROGRAMS ON DOMES-**
 20 **TIC VIOLENCE.**

21 (a) *IN GENERAL.—Title I of the Omnibus Crime Con-*
 22 *trol and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.),*
 23 *as amended by section 221 of this Act, is amended by—*

24 (1) *redesignating part T as part U;*

1 (2) redesignating section 2001 as section 2101;
2 and

3 (3) adding after part S the following new part:

4 **“PART T—GRANTS FOR COMMUNITY PROGRAMS**
5 **ON DOMESTIC VIOLENCE**

6 **“SEC. 2001. GRANT AUTHORITY.**

7 *“The Director shall provide grants to establish projects*
8 *in local communities involving many sectors of each com-*
9 *munity to coordinate intervention and prevention of domes-*
10 *tic violence.*

11 **“SEC. 2002. APPLICATIONS.**

12 *“(a) IN GENERAL.—An organization that desires to re-*
13 *ceive a grant under this section shall submit to the Director*
14 *an application, in such form and in such manner as the*
15 *Director may reasonably require that—*

16 *“(1) demonstrates that the applicant will serve a*
17 *community leadership function, bringing together*
18 *opinion leaders from each sector of the community to*
19 *develop a coordinated community consensus opposing*
20 *domestic violence;*

21 *“(2) demonstrates a community action compo-*
22 *nent to improve and expand current intervention and*
23 *prevention strategies through increased communica-*
24 *tion and coordination among all affected sectors;*

1 “(3) includes a complete description of the appli-
2 cant’s plan for the establishment and operation of the
3 community project, including a description of—

4 “(A) the method for identification and selec-
5 tion of an administrative committee made up of
6 persons knowledgeable in domestic violence to
7 oversee the project, hire staff, assure compliance
8 with the project outline, and secure annual eval-
9 uation of the project;

10 “(B) the method for identification and selec-
11 tion of project staff and a project evaluator;

12 “(C) the method for identification and selec-
13 tion of a project council consisting of representa-
14 tives of the community sectors listed in sub-
15 section (b)(2);

16 “(D) the method for identification and se-
17 lection of a steering committee consisting of rep-
18 resentatives of the various community sectors
19 who will chair subcommittees of the project coun-
20 cil focusing on each of the sectors; and

21 “(E) a plan for developing outreach and
22 public education campaigns regarding domestic
23 violence; and

24 “(4) contains such other information, agree-
25 ments, and assurances as the Director may require.

1 “(b) *ELIGIBILITY.*—To be eligible for a grant under
2 this section, such application shall include—

3 “(1) an assurance that the applicant is a non-
4 profit private organization organized for the purpose
5 of coordinating community projects for the interven-
6 tion in and prevention of domestic violence; and

7 “(2) an assurance that such nonprofit organiza-
8 tion includes representation from pertinent sectors of
9 the local community, including—

10 “(A) health care providers;

11 “(B) the education community;

12 “(C) the religious community;

13 “(D) the justice system;

14 “(E) domestic violence program advocates;

15 “(F) human service entities such as State
16 child services divisions; and

17 “(G) business and civic leaders.

18 **“SEC. 2003. AWARD OF GRANTS.**

19 “(a) *TERM.*—A grant provided under this section may
20 extend over a period of not more than 3 fiscal years.

21 “(b) *CONDITIONS ON PAYMENT.*—Payments under a
22 grant under this section shall be subject to—

23 “(1) annual approval by the Director; and

24 “(2) availability of appropriations.

1 “(c) *GEOGRAPHICAL DISPERSION.*—The Director shall
 2 award grants under this section to organizations in com-
 3 munities geographically dispersed throughout the country.

4 **“SEC. 2004. USES OF FUNDS.**

5 “(a) *IN GENERAL.*—A grant made under subsection
 6 (a) shall be used to establish and operate a community
 7 project to coordinate intervention and prevention of domes-
 8 tic violence.

9 “(b) *REQUIREMENTS.*—In establishing and operating
 10 a project, a nonprofit private organization shall—

11 “(1) *establish protocols to improve and expand*
 12 *domestic violence intervention and prevention strate-*
 13 *gies among all affected sectors;*

14 “(2) *develop action plans to direct responses*
 15 *within each community sector that are in conjunction*
 16 *with development in all other sectors; and*

17 “(3) *provide for periodic evaluation of the*
 18 *project with a written report and analysis to assist*
 19 *application of this concept in other communities.”.*

20 (b) *AUTHORIZATION OF APPROPRIATIONS.*—Section
 21 1001 of the Omnibus Crime Control and Safe Streets Act
 22 of 1968 is amended by adding after paragraph (13), as
 23 added by section 221 of this Act, the following:

24 “(14) *There are authorized to be appropriated to carry*
 25 *out part T \$20,000,000 for fiscal year 1994 and such sums*

1 *as are necessary for each of the fiscal years 1995, 1996,*
 2 *and 1997, to remain available until expended.”.*

3 *(c) ADMINISTRATIVE PROVISIONS.—(1) Section 801(b)*
 4 *of title I of the Omnibus Crime Control and Safe Streets*
 5 *Act of 1968, as amended by section 221 of this Act, is*
 6 *amended by striking “O, Q, R, and S” and inserting “O,*
 7 *Q, R, S, and T”;* and

8 *(2) Section 802(b) of title I of the Omnibus Crime Con-*
 9 *trol and Safe Streets Act of 1968, as amended by section*
 10 *221 of this Act, is amended by striking “O, Q, R, or S”*
 11 *and inserting “O, Q, R, S, or T”.*

12 *(d) CONFORMING AMENDMENT.—The table of contents*
 13 *of title I of the Omnibus Crime Control and Safe Streets*
 14 *Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section*
 15 *221 of this Act, is amended by striking the matter relating*
 16 *to part T and inserting the following:*

“PART T—GRANTS FOR COMMUNITY PROGRAMS ON DOMESTIC VIOLENCE

“Sec. 2001. Grant authority.

“Sec. 2002. Applications.

“Sec. 2003. Award of grants.

“Sec. 2004. Uses of funds.

“PART U—TRANSITION; EFFECTIVE DATE; REPEALER

“Sec. 2101. Continuation of rules, authorities, and proceedings.”.

1 **TITLE IV—EQUAL JUSTICE FOR**
2 **WOMEN IN THE COURTS**
3 **Subtitle A—Education and Train-**
4 **ing for Judge and Court Person-**
5 **nel in State Courts**

6 **SEC. 401. GRANTS AUTHORIZED.**

7 *The State Justice Institute is authorized to award*
8 *grants for the purpose of developing, testing presenting, and*
9 *disseminating model programs to be used by States in*
10 *training judges and court personnel in the laws of the*
11 *States on rape, sexual assault, domestic violence, and other*
12 *crimes of violence motivated by gender.*

13 **SEC. 402. TRAINING PROVIDED BY GRANTS.**

14 *Training provided pursuant to grants made under this*
15 *subtitle may include current information, existing studies,*
16 *or current data on—*

17 (1) *the nature and incidence of rape and sexual*
18 *assault by strangers and nonstrangers, marital rape,*
19 *and incest;*

20 (2) *the underreporting of rape, sexual assault,*
21 *and child sexual abuse;*

22 (3) *the physical, psychological, and economic im-*
23 *pact of rape and sexual assault on the victim, the*
24 *costs to society, and the implications for sentencing;*

1 (4) the psychology of sex offenders, their high
2 rate of recidivism, and the implications for sentenc-
3 ing;

4 (5) the historical evolution of laws and attitudes
5 on rape and sexual assault;

6 (6) sex stereotyping of female and male victims
7 of rape and sexual assault, racial stereotyping of rape
8 victims and defendants, and the impact of such
9 stereotypes on credibility of witnesses, sentencing, and
10 other aspects of the administration of justice;

11 (7) application of rape shield laws and other
12 limits on introduction of evidence that may subject
13 victims to improper sex stereotyping and harassment
14 in both rape and nonrape cases, including the need
15 for sua sponte judicial intervention in inappropriate
16 cross-examination;

17 (8) the use of expert witness testimony on rape
18 trauma syndrome, child sexual abuse accommodation
19 syndrome, post-traumatic stress syndrome, and simi-
20 lar issues;

21 (9) the legitimate reasons why victims of rape,
22 sexual assault, domestic violence, and incest may
23 refuse to testify against a defendant;

24 (10) the nature and incidence of domestic vio-
25 lence;

1 (11) the physical, psychological, and economic
2 impact of domestic violence on the victim, the costs to
3 society, and the implications for court procedures and
4 sentencing;

5 (12) the psychology and self-presentation of
6 batterers and victims and the negative implications
7 for court proceedings and credibility of witnesses;

8 (13) sex stereotyping of female and male victims
9 of domestic violence, myths about presence or absence
10 of domestic violence in certain racial, ethnic, reli-
11 gious, or socioeconomic groups, and their impact on
12 the administration of justice;

13 (14) historical evolution of laws and attitudes on
14 domestic violence;

15 (15) proper and improper interpretations of the
16 defenses of self-defense and provocation, and the use
17 of expert witness testimony on battered woman syn-
18 drome;

19 (16) the likelihood of retaliation, recidivism, and
20 escalation of violence by batterers, and the potential
21 impact of incarceration and other meaningful sanc-
22 tions for acts of domestic violence including violations
23 of orders of protection;

24 (17) economic, psychological, social and institu-
25 tional reasons for victims' inability to leave the

1 *batterer, to report domestic violence or to follow*
2 *through on complaints, including the influence of lack*
3 *of support from police, judges, and court personnel,*
4 *and the legitimate reasons why victims of domestic*
5 *violence may refuse to testify against a defendant and*
6 *should not be held in contempt;*

7 *(18) the need for orders of protection, and the*
8 *negative implications of mutual orders of protection,*
9 *dual arrest policies, and mediation in domestic vio-*
10 *lence cases; and*

11 *(19) recognition of and response to gender-moti-*
12 *vated crimes of violence other than rape, sexual as-*
13 *sault and domestic violence, such as mass or serial*
14 *murder motivated by the gender of the victims.*

15 **SEC. 403. COOPERATION IN DEVELOPING PROGRAMS.**

16 *The State Justice Institute shall ensure that model*
17 *programs carried out pursuant to grants made under this*
18 *subtitle are developed with the participation of law enforce-*
19 *ment officials, public and private nonprofit victim advo-*
20 *cates, legal experts, prosecutors, defense attorneys, and rec-*
21 *ognized experts on gender bias in the courts.*

22 **SEC. 404. AUTHORIZATION OF APPROPRIATIONS.**

23 *There is authorized to be appropriated for fiscal year*
24 *1994, \$600,000 to carry out the purposes of this subtitle.*
25 *Of amounts appropriated under this section, the State Jus-*

1 *tice Institute shall expend no less than 40 percent on model*
2 *programs regarding domestic violence and no less than 40*
3 *percent on model programs regarding rape and sexual as-*
4 *sault.*

5 ***Subtitle B—Education and Train-***
6 ***ing for Judges and Court Per-***
7 ***sonnel in Federal Courts***

8 ***SEC. 411. AUTHORIZATIONS OF CIRCUIT STUDIES; EDU-***
9 ***CATION AND TRAINING GRANTS.***

10 *(a) STUDY.—In order to gain a better understanding*
11 *of the nature and the extent of gender bias in the Federal*
12 *courts, the circuit judicial councils are encouraged to con-*
13 *duct studies of the instances of gender bias in their respec-*
14 *tive circuits. The studies may include an examination of*
15 *the effects of gender on—*

16 *(1) the treatment of litigants, witnesses, attor-*
17 *neys, jurors, and judges in the courts, including before*
18 *magistrate and bankruptcy judges;*

19 *(2) the interpretation and application of the law,*
20 *both civil and criminal;*

21 *(3) treatment of defendants in criminal cases;*

22 *(4) treatment of victims of violent crimes;*

23 *(5) sentencing;*

1 (6) *sentencing alternatives, facilities for incar-*
2 *ceration, and the nature of supervision of probation,*
3 *parole, and supervised release;*

4 (7) *appointments to committees of the Judicial*
5 *Conference and the courts;*

6 (8) *case management and court sponsored alter-*
7 *native dispute resolution programs;*

8 (9) *the selection, retention, promotion, and treat-*
9 *ment of employees;*

10 (10) *appointment of arbitrators, experts, and*
11 *special masters;*

12 (11) *the admissibility of past sexual history in*
13 *civil and criminal cases; and*

14 (12) *the aspects of the topics listed in section 402*
15 *that pertain to issues within the jurisdiction of the*
16 *Federal courts.*

17 (b) *CLEARINGHOUSE.*—*The Judicial Conference of the*
18 *United States shall designate an entity within the Judicial*
19 *Branch to act as a clearinghouse to disseminate any reports*
20 *and materials issued by the gender bias task forces under*
21 *subsection (a) and to respond to requests for such reports*
22 *and materials. The gender bias task forces shall provide this*
23 *entity with their reports and related material.*

1 (c) *MODEL PROGRAMS.*—*The Federal Judicial Center,*
2 *in carrying out section 620(b)(3) of title 28, United States*
3 *Code, shall—*

4 (1) *include in the educational programs it pre-*
5 *sents and prepares, including the training programs*
6 *for newly appointed judges, information on issues re-*
7 *lated to gender bias in the courts including such areas*
8 *as are listed in subsection (a) along with such other*
9 *topics as the Federal Judicial Center deems appro-*
10 *priate;*

11 (2) *prepare materials necessary to implement*
12 *this subsection; and*

13 (3) *take into consideration the findings and rec-*
14 *ommendations of the studies conducted pursuant to*
15 *subsection (a), and to consult with individuals and*
16 *groups with relevant expertise in gender bias issues as*
17 *it prepares or revises such materials.*

18 **SEC. 412. AUTHORIZATION OF APPROPRIATIONS.**

19 (a) *IN GENERAL.*—*There is authorized to be appro-*
20 *priated—*

21 (1) *\$600,000 to the Salaries and Expenses Ac-*
22 *count of the Courts of Appeals, District Courts, and*
23 *other Judicial Services, to carry out section 411(a),*
24 *to be available until expended through fiscal year*
25 *1996;*

1 (2) \$100,000 to the Federal Judicial Center to
 2 carry out section 411(c) and any activities designated
 3 by the Judicial Conference under section 411(b); and
 4 (3) such sums as are necessary to the Adminis-
 5 trative Office of the United States Courts to carry out
 6 any activities designated by the Judicial Conference
 7 under section 411(b).

8 (b) *THE JUDICIAL CONFERENCE OF THE UNITED*
 9 *STATES.*—(1) *The Judicial Conference of the United States*
 10 *Courts shall allocate funds to Federal circuit courts under*
 11 *this subtitle that—*

12 (A) *undertake studies in their own circuits; or*
 13 (B) *implement reforms recommended as a result*
 14 *of such studies in their own or other circuits, includ-*
 15 *ing education and training.*

16 (2) *Funds shall be allocated to Federal circuits under*
 17 *this subtitle on a first come first serve basis in an amount*
 18 *not to exceed \$100,000 on the first application. If within*
 19 *6 months after the date on which funds authorized under*
 20 *this Act become available, funds are still available, circuits*
 21 *that have received funds may reapply for additional funds,*
 22 *with not more than \$200,000 going to any one circuit.*

23 ***Subtitle C—Evidentiary Rules***

24 ***SEC. 421. EXPERT TESTIMONY OF DOMESTIC VIOLENCE.***

25 (a) *FINDINGS.*—*The Congress finds that—*

1 (1) *State criminal courts often fail to admit ex-*
2 *pert testimony offered by a defendant concerning the*
3 *nature and effect of physical, sexual, and mental*
4 *abuse to assist the trier of fact in assessing the behav-*
5 *ior, beliefs, or perceptions of such defendant in a do-*
6 *mestic relationship in which abuse has occurred;*

7 (2) *the average juror often has little understand-*
8 *ing of the nature and effect of domestic violence on*
9 *such a defendant's behavior, beliefs, or perceptions,*
10 *and the lack of understanding can result in the juror*
11 *blaming the woman for her victimization;*

12 (3) *the average juror is often unaware that vic-*
13 *tims of domestic violence are frequently in greater*
14 *danger of violence after they terminate or attempt to*
15 *terminate domestic relationships with their abuser;*

16 (4) *myths, misconceptions, and victim-blaming*
17 *attitudes are often held not only by the average lay*
18 *person but also by many in the criminal justice sys-*
19 *tem, insofar as the criminal justice system tradition-*
20 *ally has failed to protect women from violence at the*
21 *hands of men;*

22 (5) *specialized knowledge of the nature and effect*
23 *of domestic violence is sufficiently established to have*
24 *gained the general acceptance which is required for*
25 *the admissibility of expert testimony;*

1 (6) *although both men and women can be vic-*
2 *tims of physical, sexual, and mental abuse by their*
3 *partners in domestic relationships, the most frequent*
4 *victims are women; and*

5 (7) *a woman is more likely to be assaulted and*
6 *injured, raped, or killed by her current or former*
7 *male partner than by any other type of assailant,*
8 *and over one-half of all women murdered are killed*
9 *by their current or former male partners.*

10 (b) *SENSE OF CONGRESS.—It is the sense of the Con-*
11 *gress that the executive branch, working through the State*
12 *Justice Institute, should examine programs which would*
13 *allow the States to consider—*

14 (1) *that expert testimony concerning the nature*
15 *and effect of domestic violence, including descriptions*
16 *of the experiences of battered women, be admissible*
17 *when offered in a State court by a defendant in a*
18 *criminal case to assist the trier of fact in understand-*
19 *ing the behavior, beliefs, or perceptions of such defend-*
20 *ant in a domestic relationship in which abuse has oc-*
21 *curred;*

22 (2) *that a witness be qualified to testify as an*
23 *expert witness based upon her or his knowledge, skill,*
24 *experience, training, or education, and be permitted*
25 *to testify in the form of an opinion or otherwise; and*

1 (3) *that expert testimony about a domestic rela-*
2 *tionship be admissible to include testimony of rela-*
3 *tionships between spouses, former spouses, cohabi-*
4 *tants, former cohabitants, partners or former part-*
5 *ners, and between persons who are in, or have been*
6 *in, a dating, courtship, or intimate relationship.*

HR 1133 RH—2

HR 1133 RH—3

HR 1133 RH—4

HR 1133 RH—5

HR 1133 RH—6